

REMARKS

A terminal disclaimer was filed on October 16, 2003, during the interview.

Thus Moraly et al (US 6,451,122) is now out of record.

New claims 42 to 60, have been drafted to clearly define the subject of the invention which concerns a dextrose hydrate in powder form, having:

a dextrose content at least equal to 98%,
an α crystalline form content at least equal to 95%,
a water content greater than 1%,
a compressibility determined according to a test A at least equal to 70N, and
a flow grade at least equal to 60.

Support for this claim can be found in claim 1 as originally filed and page 9 lines 15-16 for the value of the flow grade.

Claims 22-36 are rejected under 35USC§102(b) as anticipated or in the alternative under 35USC§103 obvious over Chase et al. (WO94/28181).

The Applicant respectfully disagrees with this rejection.

In fact, the Chase's invention is intended to provide a new directly compressible dextrose.

The dextrose according to Chase is a dextrose monohydrate presenting 60% of β dextrose obtained by spray drying.

It results from Table 1 of Chase that the dextrose according to the Chase's invention (see column 1: "glucose product of the invention") is completely different from the dextrose according to the instant invention, as far as it concerns:

- the dextrose content (94% in lieu of at least equal to 98%),
- the crystallinity (60% β in lieu of at least 95% α),

- the water content (<1% in lieu of >1%).

The invention such as disclosed by Chase et al. cannot therefore be opposed to the patentability of the present invention.

However, it happens that in the same Table 1 of the Chase reference, the characteristics of a dextrose from the prior art are also given (see column 2: "dextrose"), and it seems that the Examiner had based her objection on said characteristics.

Said product of column 2, Table 1 is clearly identified as being a product in page 8 from the prior art on page 8 last paragraph.

This product can either have a water content of 8-9%, or can be anhydrous i.e. can present a water content of less than 2%.

This product, either in its monohydrate or anhydrous form, is in fact a starting product in the process according to the present invention : its characteristics are given respectively in Table 1 (product A, water content 8.4%) and in table III (product G, water content 0.5%) of the present patent application.

The flow grade and the compressibility values according to test A and test B are given in said tables for each of these products and they are of course very far from the values of the product according to the invention.

As a matter of fact, the flow grade is 41 for product A, whereas the compressibility according to test A is 50N and the compressibility according to test B is 60N. As far as product G is concerned, the flow grade is 43, and the compressibility according to test A is 45N, the compressibility according to test B being only of 50N.

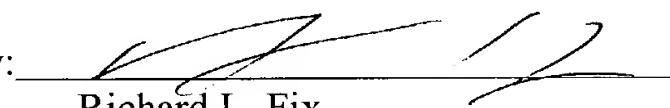
The characteristics of the dextrose hydrate according to the invention are therefore not disclosed nor suggested neither by the product according to the Chase's invention nor by the conventional products cited as prior art comparison products in the Chase disclosure.

In view of the above, it is considered that the application is now in proper form for allowance.

Favorable consideration and prompt allowance of claims 42-60 are therefore respectfully requested.

Respectfully submitted,
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Date

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